IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Crl.MC.No. 3125 of 2007()

Cr.2 of 2005 OF VARANDARAPPILLY POLICE STATION

PETITIONER: 4TH ACCUSED:

MUJEEB, AGED 26 YEARS,
S/O. ABU, NALAKATH HOUSE, KODALY DESOM,
MATTATHUR, THRISSUR DISTRICT.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VARANDARAPPILLY.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3125 of 2007

Dated this the 10th day of October, 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Section 308 I.P.C. The petitioner was earlier enlarged on bail. Investigation is now complete. Final report has already been filed. The case has been committed to the Court of Session. Assistant Sessions Court, Irinjalakuda is seized of the matter. Consequent to non appearance of the petitioner, a non bailable warrant has been issued against the petitioner by the learned Assistant Sessions Judge.

2. According to the petitioner, he is innocent. His absence earlier was not wilful. He is willing to surrender before the learned Assistant Sessions Judge. But he apprehends that his application for regular bail may not be considered by the learned Judge on merits in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Assistant Sessions Judge and explain to the learned Judge the circumstances under which he could not earlier appear before the

learned Judge. I have no reason to assume that the learned Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-